

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

166U0484

SENATE BILL NO. 120

Introduced by: Senators Peters, Buhl, Kirkeby, Krebs, Lucas, Rave, Soholt, Tidemann, Tieszen, and Vehle and Representatives Hajek, Cronin, Dryden, Gibson, Hoffman, Hunhoff (Bernie), Lust, Magstadt, and Novstrup (David)

1 FOR AN ACT ENTITLED, An Act to revise provisions related to consent to sexual activity.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-22-7.2 be amended to read as follows:

4 22-22-7.2. Any person, fifteen years of age or older, who knowingly engages in sexual
5 contact with another person, ~~other than his or her spouse~~ if the other person is sixteen years of
6 age or older and the other person is incapable, because of physical or mental incapacity, of
7 consenting to sexual contact, is guilty of a Class 4 felony.

8 Section 2. That § 22-22-7.4 be amended to read as follows:

9 22-22-7.4. No person fifteen years of age or older may knowingly engage in sexual contact
10 with another person ~~other than his or her spouse~~ who, although capable of consenting, has not
11 consented to such contact. A violation of this section is a Class 1 misdemeanor.

